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AN ORDINANCE OF WELLINGTON, FLORIDA’S COUNCIL PROPOSING AMENDMENTS TO WELLINGTON’S MUNICIPAL CHARTER BY CREATING A NEW SECTION “4A” ENTITLED “OCCUPANCY USES PROHIBITED” PROHIBITING HOTELS, MOTELS, CONDO-HOTELS, APARTMENTS WITHIN THE EQUESTRIAN PRESERVE AREA; PROVIDING FOR THE SUBMISSION OF THE PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF WELLINGTON AT THE ELECTION TO BE HELD ON MARCH 15, 2016; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR PUBLICATION; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of the municipality a proposed amendment to the municipality's charter; and

WHEREAS, Wellington's Council recognizes that the equestrian preserve area is a vital environmental, economic and cultural resource that merits the fullest protection for future generations against commercial development; and

WHEREAS, Wellington's Council deems it necessary and advisable for the voters of Wellington to consider amending the charter of the Village of Wellington to prohibit motels, hotel, condo-hotels, apartments within the Equestrian Preserve Area;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA:

SECTION 1: A new Section 4A, “Occupancy Uses Prohibited” is hereby proposed to be added as follows:

* * *

A. Certain Land Uses Prohibited. Motels, hotels, condo-hotels, and apartments are prohibited within the Equestrian Preserve Area.

SECTION 2. The charter amendment proposed by this ordinance shall be submitted to the electors of the Village of Wellington at the election to be held on March 15, 2016 and shall be deemed adopted upon the favorable vote of a majority of the electors voting at that time upon the following question:

REFERENDUM QUESTION NO. _____

WELLINGTON CHARTER AMENDMENT

CERTAIN LAND USES IN THE EQUESTRIAN PRESERVE AREA PROHIBITED

Shall motels, hotels, condo-hotels and apartments be prohibited within the Equestrian Preserve?

 Yes

 No

SECTION 3. In the event of adoption by the electorate as provided herein, Wellington's Clerk shall forthwith incorporate the amendment into Wellington's charter by preparing a true copy of new section 4A as amended, and shall file the revised section with the Florida Department of State, at which time the revised section shall take effect.

SECTION 4. Wellington's Clerk shall cause this ordinance to be published once a week for four consecutive weeks immediately prior to the election on March 15, 2016.

SECTION 5. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 6: Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 7: This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

PASSED this _____ day of October, 2015 upon first reading.

PASSED AND ADOPTED this _____ day of November, 2015, on second and final

1 reading.

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3 **WELLINGTON**

FOR

AGAINST

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5 BY: _____
6 Bob Margolis, Mayor

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John Greene, Vice Mayor

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12 _____
Matt Willhite, Councilman

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Anne Gerwig, Councilwoman

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John McGovern, Councilman

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20 **ATTEST:**

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22 BY: _____
23 Awilda Rodriguez, Clerk

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26 **APPROVED AS TO FORM AND**
27 **LEGAL SUFFICIENCY**

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29 BY: _____
30 Laurie S. Cohen, Village Attorney